S.B. Civil Writ Petition No.6759/2007
Gurucharan Singh
vs
The Addl. District Judge & Anr.

Date of order : 22.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.GJ Gupta,for the petitioner.

<><><>

Heard learned counsel for the petitioner.

The petitioner has preferred this writ petition to challenge the order dated 22nd Sept., 2007 by which the petitioner's-defendant's application filed under Order 6 Rule 17 CPC has been dismissed by the learned Addl. District Judge, Sri Karanpur.

According to defendant-petitioner, the defendant-petitioner in his written statement pleaded that as per his reliable information, the plaintiff is a rich person and has big business, but by amendment, he wants to plead that plaintiff is rich person and has a big business and is income tax assessee. The plaintiff did not disclose the amount of loan in his income tax return of the year 2003-04.

According to learned counsel for the petitioner, the petitioner's earlier pleading was on the basis of his knowledge received whereas by amendment, he wants to positively submit that plaintiff is a rich person and has big business and

the amount of loan has not been shown in the income tax return of the plaintiff. Such amendment should have been allowed by the court below because the stage was of the evidence of the plaintiff only.

Learned counsel for the petitioner submitted that the court should have taken a liberal view in allowing the amendment, but committed illegality by rejecting the amendment application

It appears that amendment was sought without any reason. The defendant's stand was that plaintiff is rich person and has large business. The defendant wants to include only the plea that he is income tax assessee and the amount of loan has not been shown in the income tax returns of the year 2003-04. The plea which is sought to be taken in the written statement is nothing but a question, which can be put to the plaintiff in cross-examination to assess his credibility etc. The trial court has not committed any illegality.

In view of the above, I do not find any merit in the writ petition. Hence, the writ petition of the petitioner is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-